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## THE CRACOW COMMUNITY BOARD IN THE LIGHT OF REGULATIONS CONTAINED IN THE CRACOW COMMUNITY CHARTER OF 5355 AND SUBSEQUENT SUPPLEMENTS

This article, which is a continuation and elaboration of the functioning of the Cracow Jewish community (already described by the author in the previous issue /No. 3/ of *Studia Judaica Cracoviensia*),<sup>1</sup> considers the way in which the Cracow Community Board operated by offering an analysis of the regulations issued by the community authorities at the turn of the 16<sup>th</sup> century, namely the Cracow Community Charter Regulations of 1595 and subsequent amendments of 1604–1616.<sup>2</sup>

The Cracow Community Board, also referred to as *kahal* or the Community Council – Hebr. קהל – constituted four *primores* (Hebr. ראשים or פרנסים), five *boni viri* (Hebr. טובים) and fourteen *kahal* members (Hebr. ארבעה עשר קהל) – a total of twenty-three, a symbolical reference to the number of members of the minor Sanhedrin. The Community Board of twenty-three constituted the first and highest level in official community hierarchy, whose members carried out their duties as a matter of honour, receiving no remuneration whatsoever for their work in the name of the community. *Kahal* members were elected from amongst all community inhabitants holding full rights in indirect annual elections, which were always held on the first intermediate day of the feast of Passover.<sup>3</sup> The Cracow Community Charter regulations strictly forbade any type of family ties and connections between *primores* and *boni viri* who – in a given year – had the honour of sitting on the Community Council. For this reason persons elected as senior community members – *primores* and *boni viri* alike – could not be of common descent (up to third-degree relatives) one another nor could they be related through marriage, nor indeed could they have common business interests.<sup>4</sup> Only in the case of *kahal* members – the fourteen members completing the composition of the Community Council – was it permitted to elect a person related to another senior, juror or *kahal* member.<sup>5</sup>

<sup>1</sup> A. Jakimyszyn, "The Jewish community in Cracow – analysis based on the Cracow Community Charter of 5355 and supplements," *Studia Judaica Cracoviensia*, vol. 3, pp. 41–49.

<sup>2</sup> All citations and footnotes in this article concerning the Cracow Community Charter of 5355 [1595] come from the Cracow Community Charter published by Majer Balaban, "Die Krakauer Judengemeinde Ordnung von 1595 und ihre Nachträge," *Jahrbuch der Jüdisch-Literarischen Gesellschaft* 1913, part I, pp. 296–360 and id., "Die Krakauer Judengemeinde Ordnung von 1595 und ihre Nachträge," *Jahrbuch der Jüdisch-Literarischen Gesellschaft* 1916, part II, pp. 88–114. In the next part of this article this publication stands for the abbreviation *KJO*.

<sup>3</sup> M. Balaban, *KJO*, § 11, p. 314.

<sup>4</sup> M. Balaban, *KJO*, § 11, p. 317.

<sup>5</sup> M. Balaban, *KJO*, § 11, p. 317.

Community Board members had an obligation to convene at Community Board meetings, chaired by the parnas of the month (Hebr. פרנס החודש), the supreme community official chosen from amongst the seniors for a one month term of office. Kahal sessions usually took place in the synagogue vestibule, whilst the agenda consisted of "all necessary public affairs."<sup>6</sup> Such a general description appearing in the Cracow Community Charter reflects the great burden of duties borne by the kahal, whose obligation it was to pass resolutions on the daily existence of community inhabitants, to control the work of other officials and community functionaries (i.e. persons remunerated for their work for the good of the community) and to supervise progress in matters concerning administration, jurisdiction, finance & taxation, trade and customs. In order to guarantee conscientious and honest completion of one's tasks each of the single-month parnases of the month pledged in the name of the entire kahal to appropriately carry out all of the tasks entrusted to him and to act in accordance with Charters regulations.<sup>7</sup>

Kahal members had to convene at two different types of meetings: ordinary and extraordinary. Ordinary meetings of the Community Council, in keeping with Cracow regulations, should take place each Sunday and on Christian feast days, when Council members did not leave the Jewish district and did not go to town.<sup>8</sup> Meetings were convened on the initiative of the parnas of the month, whose duty it was (through the agency of the community beadle – Hebr. שמש של הקהל) to inform all those invited about the time of the meeting.<sup>9</sup> Requests to convene an extraordinary kahal meeting could be made by any inhabitant of the community, whilst the parnas of the month informed of the need to convene a kahal, had to gather the Council members within a period of twenty-four hours. If this for any reason were impossible the meeting had to take place at the latest within two days.<sup>10</sup> At the same time, convening an extraordinary session of the Council was only possible if the person requesting the meeting placed a security payment of two ducats with the community beadle.<sup>11</sup> If, after considering the reason for which the session was called, the Community Council concluded that the initiator of the meeting was right to convene the kahal, the security payment was returned to the initiator, who had to then pay all the community beadles remuneration of 7.5 grosz for informing those concerned of the meeting.<sup>12</sup> However, if it was recognized that the kahal was convened unnecessarily, the security payment was forfeited, divided among the community beadles by paying them half a zloty each in the form of remuneration, whilst the outstanding sum was given to the charity wardens. In the event of the parnas of the month disregarding the request to convene a kahal and failing to bring about the meeting within two days, the party making the request had to lodge a complaint against him<sup>13</sup> and no senior official had the right to take steps preventing him from doing so. If the party making the request were to proceed in a different manner he would be fined a szelag coin and this money would then be submitted for the welfare needs of the community.<sup>14</sup>

<sup>6</sup> M. Balaban, *KJO*, §§ 12–13, 318.

<sup>7</sup> M. Balaban, *KJO*, §§ 1–10, p. 308.

<sup>8</sup> M. Balaban, *KJO*, §§ 12–13, 19–36, pp. 318, 325.

<sup>9</sup> M. Balaban, *KJO*, §§ 12–13, p. 318.

<sup>10</sup> M. Balaban, *KJO*, §§ 19–36, p. 324.

<sup>11</sup> M. Balaban, *KJO*, §§ 19–36, p. 324.

<sup>12</sup> M. Balaban, *KJO*, §§ 19–36, p. 324.

<sup>13</sup> M. Balaban, *KJO*, §§ 19–36, p. 324.

<sup>14</sup> M. Balaban, *KJO*, §§ 19–36, p. 324.

The *parnas* of the month had authority to convene full Council meetings for all *kahal* members, or organize meetings for specific groups of officials. Irrespective of whether the *parnas* called a full meeting of *kahal* members, invited seniors only or community elders (i.e. *primores* and *boni viri*) in the event of seniors, *boni viris* and *kahal* members failing to attend the meeting or appearing more than one hour late, they were deemed incapable of fulfilling their duties, criminal in breaking the law and thus fined half a zloty, which they were obliged to submit to the acting *parnas* of the month.<sup>15</sup> The above penalty could only be waived in the event of a reasonable explanation for absence or late arrival being given. The *parnas* of the month was not permitted to continue the meeting until the guilty had paid the mentioned fine. If the penalty were not paid the *parnas* would be obliged to send to the house of the guilty one a community servant *lcchak* who would then take an object as security.<sup>16</sup> The penalty and object taken as security would be submitted to the charity warden of the month (Hebr. גבאי החודש), who would give 2/3 of their value for repair work on buildings under the protection of the Welfare Brotherhood, and 1/3 to the beadle as remuneration for duties carried out.<sup>17</sup>

At the same time, in keeping with Cracow Community Charter regulations, *kahal* members invited to meetings could not avail themselves of intermediaries to express their views or decisions without personally participating in the session.<sup>18</sup> If it happened that the Community Council member invited to participate in the meeting failed to appear and attempted to express his views to those gathered through the agency of a beadle or community messenger, he would be recognized as a criminal who had acted in breach of the duties he had previously taken upon himself. Any decision taken on a given topic would be declared null and void, as only those resolutions passed in the presence of all session participants were regarded as binding.

The above-mentioned ban preventing absent Council members from submitting their views or decisions also referred to the principle of collective rather than individual decision-making. In keeping with Cracow Charter regulations all resolutions should be passed in the presence of all those invited to the meeting, who “had to meet as one, in order to act as one.”<sup>19</sup> At the same time, in order to avoid any possibility of the acting *kahal* being influenced and to prevent the use of one’s office for private purposes, the Council member related to the person attending a meeting for whatever reason had to stand up and leave the hall of sessions.<sup>20</sup>

During *kahal* sessions each member had the right to express his own view on the topic under discussion. This situation was different when members of the Community Council were relatives. In this situation they were expected to decide upon a common approach to be presented to those gathered. If, because of difference of opinion, they were unable to come to a common view, a decisive lot was thrown in order to establish which of the opinions would be regarded the majority view.<sup>21</sup> The principle of collective opinion for Community Council members related to one another was waived

<sup>15</sup> M. Balaban, *KJO*, §§ 12–13, p. 318.

<sup>16</sup> M. Balaban, *KJO*, §§ 12–13, p. 318.

<sup>17</sup> M. Balaban, *KJO*, §§ 12–13, p. 318.

<sup>18</sup> M. Balaban, *KJO*, §§ 19–36, pp. 321–322.

<sup>19</sup> M. Balaban, *KJO*, §§ 19–36, p. 321.

<sup>20</sup> M. Balaban, *KJO*, §§ 19–36, p. 325.

<sup>21</sup> M. Balaban, *KJO*, § 11, p. 317.

when taxation matters appeared on the agenda. In such instances relatives were permitted to express their own views.<sup>22</sup> At the same time Cracow regulations ordered all participants of meetings to listen patiently to the opinions of the remaining participants. Anyone interrupting or not permitting somebody to have his say was ordered to pay a fine of one grosz.<sup>23</sup>

Each kahal session, irrespective of whether or not all the members were present, had to be attended by a city scribe (Hebr. סופר, Ahram. סופר דמתא) who took the minutes indicating all the decisions.<sup>24</sup> Cracow regulations further ordered that the scribe attending the session be stripped of his remuneration in the light of his function, but for him to be offered in return a special fee for work at the side of the acting Council.<sup>25</sup> Sessions of community elders (primores and *boni viri*) also had to be attended by beadles. When full Council meetings were held two beadles had to be seated outside the hall of sessions.<sup>26</sup>

Decisions of the Community Council had to be noted down immediately in the pinkas. This document, much the same as other important community documents (including privileges granted to the community) where kept in a locked chest, the key to which was held by one Council member.<sup>27</sup>

Matters discussed at kahal sessions were regarded as officially confidential and could not be disclosed to anyone who was not a member of this assembly.<sup>28</sup> Any official who broke the law and disclosed the topic and substance of the sessions to another person was dismissed from his post and barred from carrying out any community duties for a whole year. At the same time it was announced in the synagogues that this person could not be trusted with a secret and was a gossip.<sup>29</sup>

Cracow Charter regulations also addressed the situation in which, for a variety of reasons, such as a fair, some members of the acting Council had to travel out of the community. In such cases, on the feast day falling closest to the date of their journey, other persons had to be appointed to fill the empty positions. Those standing in could not be related to one another or connected in any way whatsoever. Furthermore, any member of the Council was allowed to travel out, with the exception of the parnas of the month, who on threat of having to pay a fine of one ducat, was not permitted to leave during the month of his office.<sup>30</sup>

Cracow Community Council activities were similar to those of other kahals in different Jewish communities in Poland. The analysis of the Cracow Community Charter regulations, one of the few 16<sup>th</sup> century documents of Jewish origin which have fully survived, has given an insight into the way the Community Council operated in those times.

<sup>22</sup> M. Balaban, *KJO*, § 11, p. 317.

<sup>23</sup> M. Balaban, *KJO*, §§ 12–13, p. 318.

<sup>24</sup> M. Balaban, *KJO*, §§ 19–36, p. 325.

<sup>25</sup> M. Balaban, *KJO*, §§ 19–36, p. 325.

<sup>26</sup> M. Balaban, *KJO*, §§ 19–36, p. 325.

<sup>27</sup> M. Balaban, *KJO*, § 15, p. 319.

<sup>28</sup> M. Balaban, *KJO*, § 18, p. 320.

<sup>29</sup> M. Balaban, *KJO*, § 18, p. 320.

<sup>30</sup> M. Balaban, *KJO*, §§ 19–36, p. 321.